

PHILLIPS, MCLAUGHLIN & HALL, P.A.

JOHN C. PHILLIPS, JR.
LISA C. MCLAUGHLIN*
JAMES P. HALL
DAVID A. BILSON***
MEGAN C. HANEY
TODD L. GOODMAN

ATTORNEYS AT LAW
PENNSYLVANIA AVE. AND BROOM ST.
1200 N. BROOM STREET
WILMINGTON, DELAWARE 19806

(302) 655-4200
(302) 655-4210 (F)
pmhdelaw.com

ALSO MEMBER OF
*PENNSYLVANIA BAR
**NEW JERSEY BAR
***MARYLAND BAR

December 23, 2025

VIA CM/ECF & HAND DELIVERY

The Honorable Christopher J. Burke
J. Caleb Boggs Federal Building
844 N. King Street, Unit 28, Room 2325
Wilmington, DE 19801-3555

RE: *National Steel Car Limited v. FreightCar America, Inc., et al.,*
C.A. No. 24-594-JLH-CJB

Dear Judge Burke:

Plaintiff National Steel Car Limited (“NSC”) and Defendants FreightCar America, Inc., FreightCar North America, LLC, JAC Operations LLC, and FCA-FASEMEX, LLC (collectively, “FreightCar America”), write to request the scheduling of a discovery teleconference.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer (by videoconference) on the following date(s): February 27, 2025; May 1, 2025; July 10, 2025; August 29, 2025; September 2 and 26, 2025; November 4, 2025; and December 4, 2025.

Delaware Counsel: Andrew Russell and/or Nate Hoeschen (NSC); Jack Phillips and/or David Bilson (FreightCar America)

Lead Counsel: Kenneth Sheehan, Robert Keeler, and/or Kevin Adams (NSC); Sean Murray and/or Justin Gillett (FreightCar America)

The disputes requiring judicial attention are listed below.

Dispute raised in the September 23, 2025 joint letter (D.I. 123). The dispute listed below was among the disputes the parties previously identified in their September 23, 2025 discovery letter to the Court (D.I. 123). The Court ordered the parties to verbally meet and confer (D.I. 147). The parties have still been unable to resolve this dispute and respectfully submit that it requires judicial attention.

- Whether NSC should run search terms 1 and 8 that FreightCar America selected pursuant to Default Standard ¶ 5.b.

New disputes. The following disputes have arisen since the parties' September 23 letter.

- NSC's response to damages-related document requests (RFPs 61-63, 65-68, 70-1, 73-74).
- Whether FreightCar America may refuse to produce the Microsoft Teams and WhatsApp messages of the custodians identified in its Disclosures pursuant to ¶3 of the Default Standard.
- FreightCar America's response to NSC's Interrogatory No. 12 regarding its inspections and copying of NSC's patented railcars. This dispute was raised in the parties' August 13, 2025 letter to the Court (D.I. 97).
- Whether FreightCar America should run search terms 4 and 8 that NSC selected pursuant to the Default Standard ¶ 5.b.

Respectfully,

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (#110)

cc: All Counsel of Record (by CM/ECF & email)